

PROPOSED CHANGES TO DHHS/PHS DELEGATIONS OF AUTHORITY AND INSTRUCTIONS

Simplifying Personnel Administration and Personnel Management at the NIH			
Item	Description	PHS Restriction	HHS Restriction
#1 Authority to effect all personnel administration actions	Currently, officials in servicing personnel offices (SPOs) may be delegated the authority to effect personnel administration actions proposed by program managers, e.g. appointments, term appointments, and classification.		HHS Inst 250-3, 12/9/83
Recommendation: That the Director, NIH, be permitted to delegate to line managers the authority to effect all personnel administration actions.			
#2 Simplify the classification system	Currently, position descriptions and evaluation statements shall conform to a multitude of adequacy requirements, e.g., specific format(s) and/or criteria.	PHS Inst 511-6, 6/29/84	HHS Inst 511-2, 5/13/87
Recommendation: That the Director, NIH, be permitted to simplify the classification system by: authorizing line managers to establish position descriptions; requiring detailed position descriptions only at or above the highest grade in the career ladder of an occupation; and eliminating the requirement that each classification decision be based on a detailed, written evaluation of the position (i.e., allow the use of statements of difference that briefly describe how one position differs from another in level of responsibility and complexity).			
#3 Approval of Cash Incentive Awards	Currently, the Director, NIH, may approve cash incentive awards for individuals between \$2,501 and \$3,500; and for groups between \$2,501 and \$5,000.	Del of Auth 9/20/91	
Recommendation: That the Director, NIH, be delegated full authority to approve cash incentive awards up to \$10,000, with authority to redelegate.			

PROPOSED CHANGES TO DHHS/PHS DELEGATIONS OF AUTHORITY AND INSTRUCTIONS

Simplifying Personnel Administration and Personnel Management at the NIH (continued)			
Item	Description	PHS Restriction	HHS Restriction
#4 Allow payment of “on-the-spot” cash incentive awards from the NIH Imprest Fund	Currently, these awards must be processed through the DHHS payroll system causing a three to five week delay in receipt.	PHS Circ 451-3, 12/12/91	
Recommendation: That the NIH be permitted to pay “on-the-spot” cash incentive awards from the NIH Imprest Fund rather than through the DHHS payroll system, fulfilling the purpose of “on-the-spot” awards.			
#5 Appoint Commissioned Officers to the same position in the civil service	Currently, the appointment of former PHS Commissioned Officers (who have retired under permissive retirement procedures) must be approved by ASH and/or ASPER, as appropriate.	PHS Inst 550-5, 1/10/92	
Recommendation: That the Director, NIH, be authorized to approve the appointment of this category of Officers.			

PROPOSED CHANGES TO DHHS/PHS DELEGATIONS OF AUTHORITY AND INSTRUCTIONS

Authority to Develop and Approve Programs That Are Responsive to the NIH			
Item	Description	PHS Restriction	HHS Restriction
#1 Title 42, USC	The authority to approve service fellowship plans, and to approve exceptions to approved plans is retained by the Director, OM/PHS.	Del of Auth 1/8/93	
	The authority to set rates of pay for these service fellows at levels from ES-1 to EX-IV must be approved by an official who reports directly to a PHS Agency Head.	Del of Auth 5/9/94	
	In addition, current PHS policy, as well as draft revisions, contain various restrictions, e.g., administrative duties, stipend structures, supplemental allowance, stipend adjustments, etc.	PHS inst 302-5, 8/8/90; draft revisions	
Recommendation: That the Director, NIH, be delegated the authority to approve changes in employment programs under Title 42, subject to HHS regulations only. Such changes are now subject to PHS review and approval.			
#2 Title 38 Authorities	Currently, HHS delegates all Title 38 authorities to the Assistant Secretary for Health (ASH) for further redelegation.	PHS Interim Inst 38-100-1 1/30/95	X
Recommendation: That the Director, NIH, be delegated all Title 38 authorities. This includes those authorities authorized by the USOPM/HHS Delegated Agreement and those authorities granted specifically to the NIH by Public Law.			

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Authority to Develop and Approve Programs That Are Responsive to the NIH (continued)			
Item	Description	PHS Restriction	HHS Restriction
#3 Recruitment, Relocation Bonuses, and Retention Allowances	Currently, NIH Approval of Recruitment, Relocation Bonuses and Retention Allowances is limited to certain scientific occupations.	Del of Auth 2/7/94 PHS Interim Inst T575- 1N, 3/18/94	
Recommendation: That the Director, NIH be delegated authority to approve Recruitment, Relocation Bonuses and Retention Allowances for all categories of employees, i.e. non-scientific occupations.			
#4 Recruitment, Relocation Bonuses, and Retention Allowances	Currently, the approval of Recruitment, Relocation Bonuses, and Retention Allowances for GS-15 and below based on employment opportunities is retained by the DASH(M&B).	Del of Auth 2/7/94 PHS Interim Inst T575- 1N, 3/18/94	
Recommendation: That the Director, NIH, be delegated the authority to approve Recruitment, Relocation Bonuses, and Retention Allowances for GS-15 and below based on employment opportunities.			
#5 Appointment Above the Minimum Rate – Salary Surveys for market analysis	Currently, the Director, Office of Human Resources, NIH, may only recommend, rather than approve, the use of appropriate salary market surveys as a basis for pay determinations.	Del of Auth 8/5/94	
Recommendation: That the Director, NIH, be delegated authority to approve the use of appropriate market salary surveys (rather than those solely approved by PHS) as a basis for determining salaries above the minimum rate of the grade.			

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Authority to Develop and Approve Programs That Are Responsive to the NIH (continued)			
Item	Description	PHS Restriction	HHS Restriction
#6 Alternative Work Schedules	Currently, NIH may implement only one AWS model within a specific work unit.		HHS Inst 610-4, 4/20/84
Recommendation: That the Director, NIH, be delegated authority to approve the use of multiple models of alternative work schedules.			
#7 Leave Sharing	Currently, leave sharing is restricted to contributions to specific employees.		HHS Inst 630-14, 5/2/90
Recommendation: That the NIH be permitted to develop and operate leave banks to which all employees can contribute or apply.			

PROPOSED CHANGES TO DHHS/PHS DELEGATIONS OF AUTHORITY AND INSTRUCTIONS

Senior Executive Service			
Item	Description	PHS Restriction	HHS Restriction
#1 Performance awards (bonuses)	Currently, the Secretary, HHS, retains the authority to approve performance bonuses.	Del of Auth 8/25/94	HHS Inst 610-4, 3/16/88
Recommendation: That the NIH be permitted to approve SES performance awards.			
#2 Recruitment, Relocation Bonuses, and Retention Allowances	Currently, NIH Approval of Recruitment, Relocation Bonuses and Retention Allowances is limited to certain scientific occupations.	Del of Auth 2/7/94 PHS Interim Inst T575-1N, 3/18/94	
Recommendation: That the Director, NIH be delegated authority to approve Recruitment, Relocation Bonuses and Retention Allowances for all categories of employees, i.e. non-scientific occupations.			
#3 Recruitment, Relocation Bonuses, and Retention Allowances	Currently, the approval of Recruitment, Relocation Bonuses, and Retention Allowances based on employment opportunities is retained by the ASH.	Del of Auth 2/7/94 PHS Interim Inst T575-1N, 3/18/94	
Recommendation: That the Director, NIH, be delegated the authority to approve Recruitment, Relocation Bonuses, and Retention Allowances based on employment opportunities.			

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Senior Executive Service (continued)			
Item	Description	PHS Restriction	HHS Restriction
#4 Cash Incentive Awards	Currently, the Director, NIH, may approve cash incentive awards for individuals between \$2,501 and \$3,500; and for groups between \$2,501 and \$5,000.	Del of Auth 9/20/91	
Recommendation: That the Director, NIH, be delegated the authority to approve cash incentive awards up to \$10,000.			
#5 Merit Staffing Plans	Currently, NIH is restricted by a variety of requirements related to Merit Staffing.		HHS Inst 920-10, 8/31/84
Recommendation: That the NIH be permitted to develop and implement SES merit staffing plans, subject to Government-wide statutes, regulations, and OPM approval.			
#6 Performance Management Systems	Currently, Heads of OPDIVs shall establish appraisal systems and obtain ASPER approval.		HHS Inst 430-6, 8/11/86
Recommendation: That the NIH be permitted to develop new performance management systems, subject to Government-wide statutes, regulations, and OPM approval.			

PROPOSED CHANGES TO DHHS/PHS DELEGATIONS OF AUTHORITY AND INSTRUCTIONS

Increasing Flexibility to Appoint and Compensate Senior Level Scientists			
Item	Description	PHS Restriction	HHS Restriction
#1 Management of SBRS positions	HHS has not yet delegated to the PHS or the NIH any SBRS positions.		X
Recommendation: That the Secretary, HHS, allocate SBRS positions directly to the Director, NIH.			
#2 Permit employees covered under Title 38 to supervise other employees in the SES	<p>Currently, the interagency agreement (VA, USOPM, HHS, DOD, Bureau of Prisons) limits the payment of Physicians Special Pay under Title 38 to physicians GS-15 and below.</p> <p>Under traditional interpretations of position classification standards, lower graded employees may not supervise those at higher grades (e.g., a GS-15 employee may not supervise an SES employee).</p>		
Recommendation: That HHS adopt an interpretation that accepts “multiple career ladders” for employees allowing a lower graded employee to supervise a higher graded employee. If this approach is not acceptable, NIH proposes that the Secretary, HHS, seek the amendment of the statute that allowed the USOPM to delegate this authority to the HHS (5 U.S.C. 5371(c)(1), which excludes SES positions from coverage).			